help our own fishery people to send their ships to that area for catching the fish. This is one of the important things--to detect the concentration of shoals of fish.

As regards the second part of your question, yes, we are proceeding with remote sensing. Deep sea study is different. For that we asked the Engineers India Ltd. to prepare a feasibility study for mining and they have prepared such a study. The three phases I have mentioned actually come from that study and they have forecast areas where by AD 2009-10 we would be able to commercialise the mining operations.

DR. (SHRIMATI) NAJMA HEPTULLA: Sir, thank you for giving me the second opportunity because hardly any question on science and technology comes up. Sir, I believe there is a massive plan of the Government of India to tap sea-wave energy and a big project is being put up in Goa. I would like to ask the honourable Minister whether this remote sensing satellite is going to help us in tapping our sea-wave energy to save us from the energy crisis and help us through the non-conventional source of energy and also help us in eradicating the pollution problem.

SHRI K. R. NARAYANAN: Sir, the remote sensing satellite will be helpful in the study of sea waves and, as a result of the study, it will be able to bring to bear upon the experiment or the project for generating energy from sea waves. As she has said, there is already a project in Goa. We also have a project, sponsored by the Department of Ocean Development, at Vizhinjam in Kerala where a plant is being set up for generating power from sea wave. The satellite will certainly help by giving data.

*305. [*The questioner (Shri Talari Manohar) was absent for answer* vide *col.* infra]

*306. [*The questioner (Shri K. V. Thangkabalu) was absent. For answer* vide *col.* 35 infra]

*307. *The questioner (Dr. Yelamanchili Sivaji) was absent. For answer* vide *col.* 36 infra].

Criticism of the Election Commission

*308. SHRI ASHWANI KUMAR:
SHRI LAL K. ADVANI :†

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that many times there has been public criticism of thesElection Commission in cases where it has accepted or rejected the requests of States Governments for holding or postponing of an election on one plea or the other; and

(b) whether the Election Commission has, therefore, requested Government to lay down comprehensive guidelines in the Election Law itself for the timings of the General Elections and by-elections indicating the time-span within which such election should be held and the extent of the weightage to be given to the requests and pleas of State Governments, while finalising the poll programme; if so, whether Government are in favour of such a decision and propose to act accordingly?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): (a) and (b) In order to avoid charges of arbitraniness and partiality in the matter of fixing of dates for elections, the Election Commission has proposed that the Election Law may be suitably amended to include guidelines. No decision has yet been taken thereon.

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*The question was actually asked on the floor of the House by Shri Lal K. Advani.

SHRI LAL K. ADVANI : Sir, this is one of the numerous recommendations made by the Election Commission for electoral reforms. On the eve of the current session of Parliament, the Prime Minister told pressmen on board Air-India's *Gomati* that Government proposes to go far beyond the Election Commission's recommendations and bring in, in this session, a comprehensive and thoroughgoing Bill on electoral reforms. He also mentioned that the Government proposes to have discussions with the Opposition in that regard. I would like to know what is the position in respect of this proposed legislation which is going to be comprehensive and thoroughgoing.

SHRI HANS RAJ BHARDWAJ: Sir, the Prime Minister's commitment to electoral reforms is very firm. It was reflected in his statement, as pointed out by the honourable Member. I know, the Prim-Minister has directed the depart ment concerned and we are in touch with the Election Commission. We are also considering whatever we have drafted, but a problem arose during the recent elections in Haryana and elsewhere. Some new factors intervened, which made us do a rethinking on the issues which we had earlier formulated. I assure the honourable Member that we are still committeed to bring in electoral reforms very soon, and the honourable Prime Minister will also fix up a meeting with the Opposition leaders very soon.

SHRI LAL K. ADVANI : Sir, my question was not replied. What the Minister of Law has just stated seemed to suggest second thoughts. Because, so far as the Election Commission itself is concerned, I have with me a reply given to my question, mentioning comprehensive recommendations of the Election Commission which run into 34 pages. It was a question replied to in this House, and even that was described by the Prime Minister as "chicken feed". He suggested that what the Government is contemplating is much more. That gladdened us. But nothing has happened during the last round of bye-elections which needs a second view on all these proposal of the past. There may be something in addition to that. I have no objection. Thus one of the basic recommendations of the Election Commission is on this particular qu that the time-table of bye-elections and elections should not be arbitrarily decided by the Executive; they should be governed by certain guidelines. What is the position in that regard? Is the Government willing to give a commitment to this House that in this session itself a Bill for electoral reforms would be forthcoming? After all in January, 1985, immediately after the Government took over, this was a commitment made in the President's Address. There should be no hesitation in giving the commitment right today.

SHRI HANS RAJ BHARDWAJ: Sir, I don't think there is any hesitation. I have time and again answered, and I am answering now, that the process of bringing electoral reform is going ahead fast and we will come to the House very soon.

So far as allotment of time when it is to be put before the House is concerned, that is a question which the Business advisory Committee will discuss and give us the time. We are committed to it.

I may submit that there are two questions which the hon. Member has raised. One is with regard to general electoral reforms. The other is with regard to fixing dates for bye-elections.

I may point out that bye-elections are fixed by the Election Commission in consultation with the State Governments, and this is a principle which was enunciated in 1984 Supreme Court page 1604. That has been accpeted so far. But there are complaints now that bye-elec-

tions are deferred sometimes making the deferring of bye-elections controvercial. So, this matter, the Election Commission has referred to us, and this is now in the supplementary proposals we have recently received from the Election Commission.

Also under consideration is whether a particular time frame can be given, that a bye-election in a parliamentary constituency or a bye-election in a Legislative Assembly constituency should be fixed or should be ordered within six months, nine months or ten months, whatever the Election Commission's decision be. But so far as this aspect of the problem is concerned, it is not that there was nothing to guide the Election Commission on holding bye-elections. There were already principles which were adhered to, and in most of the cases the Election Commission's decisions were always implemented.

SHRI LAL K. ADVANI : Mr. Chairman, Sir, on this particular point of bye-elections, would the Government enlighten us how many Lok Sabha seats, how many Assembly seats are vacant today ? In Delhi itself which does not come under any State Government, there is the South Delhi Lok Sabha constituency which has been vacant for many, many months, and there is no representation for it. Is the Government proposing to held a bye-elections or is it to remain vacant till the end ?

MR. CHAIRMAN : This is your third supplementary.

SHRI HANS RAJ BHARDWAJ: I would give him that information after collecting it because his pointed question is regarding guidelines to hold bye-elections, and that is what I have answered.

MR. CHAIRMAN : You give this information to Mr. Advani.

SHRI HANS RAJ BHARDWAJ: Yes, I will give him.

SHRI PAWAN KUMAR BANSAL : Mr. Chairman, Sir, while the need to have some statutory guidelines for holding bye-elections cannot be underplayed, nevertheless, no such guidelines can be exhaustive covering all the situations which we cannot visualise at a particular point of time. All that I would like to know for the time being from the hon. Minister is whether the Government has received some concrete suggestions for electoral reforms from any leader of the Opposition.

SHRI HANS RAJ BHARDWAJ: Sir, it has come to my notice from the press. One is that the Janata Party in Karnataka has published some booklet. The other is the recent convention held by the Telugu Desam Party. But nothing concrete has come out. It is their own vision, their own illusion about what reforms they can have.

But, I know, Mr. Advani has been emphasising mainly on state-funding of elections. His main plank in the discussion with the Election Commission was state-funding of elections. As I submitted earlier, Sir, the Election Commission has its own ideas about state-funding. The Election Commission has never supported complete state-funding of elections. It is only partial, to some extent like posters and stationery and limited assistance to candidates. These are the proposals which form part of the 14 points that are under consideration.

Actually, the Opposition and everybody should be concerned about the basic thing that the country must have fair and free elections. From wherever the danger comes, we must see to it that election are fair and free in reality. Being hypocritical on this is of no use, saying this is necessary and that is necessary. The question is, the real danger

today is abuse of official machinery by certain quarters, blatant use of electoral machinery by the State Government. That has to be stopped, and we must act together to see that this is stopped.

SHRI PARVATHANENI UPENDRA : It is common knowledge that bye-elections and elections to the State Assemblies are postponed to suit the convenience of the ruling parties both at the Centre and the States. Therefore, the best method is to leave the discretionary powers to the Election Commission itself. Even when a State Government or the Central Government pleads that it cannot hold elections due to certain factors, it should be the Election Commission which should finally decide on the matter. Will the Government consider to give such powers to the Election Commission, not giving the discretionary powers to the ruling parties ?

SHRI HANS RAJ BHARDWAJ: This is a wholly unfounded allegation. So far as the ruling party is concerned it has held not only by-elections, but even the General Elections on time. I do not know where...

SHRI PARVATHANENI UPENDRA : In Tamil Nadu.

SHRI HANS RAJ BHARDWAJ: In Tamil Nadu we are going to hold elections.

SHRI PARVATHANENI UPENDRA : But why did you postpone elections there?

SHRI HANS RAJ BHARDWAJ: I do not think you are sincere about Tamil Nadu. (*Interruptions*) It is our responsibility to hold elections according to the convenience of the State Government and the Election Commission. You will see that elections in Tamil Nadu are held whenever the State Government wants it and the Election Commission directs. There is no question of deferring any election, but the question is that they are trying to push in certain allegations which are wholly unfounded. They must see the reality that in this country right from Independence till today elections have been held and they have been fair. Throughout the world India is famous that this is the only democracy where elections are held on time.

कुमारी सईदा खातून : माननीय सभापति जी, मैं माननीय मंत्री जी से यह जानना चाहती हूं जैसे कि निर्वाचन आयोग चुनाव सुधार करने जा रहा है, उसमें बेलट पेपर में एल्फा-बेटिकली नाम के बाद चुनाव निशान था, मैंने यह सुझाव दिया था कि एल्फा-बेटिकली नाम के बाद चुनाव निशान न होते हुए यह जीतने वाली पार्टी के हिसाब से चुनाव निशान रखे जायें, क्योंकि जिस स्टेट में कांग्रेस पार्टी जीतती है, उसका चुनाव चिन्ह ऊपर रहना चाहिये और उसके बाद मैरिट लिस्ट आये क्या यह सुधार चुनाव आयोग करने जा रहा है ? यह मेरा प्रश्न है।

श्री हंसराज भारद्वाज : सभापति जी, मैंने माननीय सदस्या का सुझाव नोट कर लिया है और मैं इलैक्शन कमीशन को यह दे दूंगा।

डा० बापू कालदाते : सुझाव आपको समझ आया है या नहीं ?

SHRI SUKOMAL SEN : Electoral reforms is a long-pending issue. from the Opposition we have been demanding for a long time for a comprehensive electoral reform but the Government is not interested at all in the electoral reforms. Only recently the Prime Minister said that they are going to have a comprehensive electoral reform. Only after 15 months Lok Sabha elections will become due. The Minister has said that the Prime Minister will be convening a meeting with the Opposition parties to discuss about it. Since only after 15 months Lok Sabha elections are due, may I know

from the hon. Minister if the Government is sincere about electoral reforms? Can he give a time span by which the Prime Minister will convene a meeting with the Opposition so that things can be discussed and put into effect ?

SHRI HANS RAJ BHARDWAJ: I may go on adding any adjectives -- sincere, very sincere, most sincere -- but the main point is, as I have said, that the Prime Minister's directions are being implemented and we are preparing the papers with the relevant quarters to be discussed. So, there is no question of assuring and reassuring. I have made a statement on the floor of the House and that is sufficient.

श्री लाल कृष्ण आडवाणी : इस सेशन के लिये नहीं, कमिट करते आप ? कह दीजिये न, इसमें क्या है प्रधान मंत्री जी बैठे हैं, कह दें कि इस सेशन में बिल आयेगा ।

श्री हंसराज भारद्वाज : यह ऐसे थोड़े ही चलता है !

श्री लाल कृष्ण आडवाणी : प्रधान मंत्री जी से निवेदन है ।
(व्यवधान)

It is a matter of concern for the entire House.

SHRI A. G. KULKARNI: Even in the President's Address to the nation two or three days back the President mentioned about fair elections. Similarly the Prime Minister has also been quoted about electoral reforms.

SHRI PARVATHANENI UPENDRA : In this session. He said that.

SHRI A. G. KULKARNI : Why are you emphasising more than I do ?

I know how to use words. I do not want your guidance at all. Looking into the various problems of malpractices indugled in elections, the number of independent candidates entering the election fray and booth capturing, the Government has categorically stated that in this session itself some such proposals would come through. May I know through you, Sir, either from the Prime Minister or from the Minister whether there is any such intention on the part of the Government to bring such proposals in this session ? I have been listening about electroal reforms for the last ten years. That does not mean something has haphepned. These reforms are absolutely necessary to clean the politics in the country; otherwise it will go on. We are proud of our democracy which we have nurtured and which will be continued for ever.

SHRI HANS RAJ BHARDWAJ: Sir, I am grateful to the senior hon. Member for pointing out certain irregularities in the elections. Sir, when the President addresses the nation and points out certain matters, it becomes the duty of all of us to see that the points causing anxiety or apprehsnsions shown are solved. I would invite all the Members of this august House to look into the problems which the President has pointed out. It is really unfortunate that these things are happening. Some parties indulge in serious irregularities during the elections and, at the same time, they shout for more electroal reforms. The question is the Head of the Government, the Prime Minister is very much concerned about it. The President's address to the nation is very much right we must point the finger to the accused, wherever it exists. Therefore, our commitment to have free and fair elections is very genuine. We are preparing for it almost every day. We are busy with the exercise as how to make it fool-proof. We will discuss with the Opposition parties. The question is whether this will come in this session. The pro-

cess should be such that it is really beneficial.

SHRI M. S. GURUPADASWAMY : What about delimitation ?

SHRI HANS RAJ BHARDWAJ: I am answering a question.
..(*Interruptions*)..

SHRI M. S. GURUPADASWAMY : Delimitation a part of this process ?

SHRI HANS RAJ BHARDWAJ: I cannot answer you. I can answer the Chair.

Sir, I beg to submit that various proposals including delimitation are under consideration. There is a system in the country that this is processed on the suggestion of the Eletion Commission and then it is discussed within the party if there is inner democracy in the party. In our party we have discussed it for over a year Eeven works hops were held. But nothing has been done from the other side. So far as our party is concerned, we have had discussions. Now, it is being discussed very seriously in our department. We are trying to make a best a package as it could be. It do not think that a day or two would matter in regard to these matters which are of such vital importance. Again I repeat very humbly, you kindly tell these Opposition parties... (*Interruptions*)..

SHRI A. G. KULKARNI : This is an Advocate's submission. I want an assurance.

श्री लाल कृष्ण आडवाणी : सभापति महोदय, मैं निवेदन करना चाहूंगा कि इस मामले में सारा सदन चिंतित है, सारा देश चिंतित है । प्रधान मंत्री जी ने स्वयं कहा कि इस सत्र में ही यह विधेयक लाया जायेगा । मैं उनसे निवेदन करूंगा कि... **(व्यवधान)** इसको इसी सत्र में लाएं ।

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Sir, may I just add a little bit to what the hon. Minister has said ? I would like to say very clearly that we are very serious about electroal reforms. We have had an extensive debate in our party. We have spent many hours in our Cabinet Committee meeting looking at it and we will try our best to bring forward a legislation in this session. I am keen that it comes in this session. But I would submit that it is a very complicated subject. We would like to be totally happy amongst oursevles before we bring it to the House. I would also like to say that I will definitely see that the Opposition is consulted before we bring the Bill to the House. I would also like to point out that on earlier occasions when I tried to consult the Opposition, I found it difficult. (*Interruptions*)...

SHRI PARVATHANENI UPENDRA : Not on this issue... (*Interruptions*)...

SHRI M. S. GURUPADASWAMY : We have agreed with you on this ... (*Interruptions*) ... Whenever we discussed with you about elections, we never differed.

SHRI RAJIV GANDHI : Let me finish answering. When I called the Opposition with a specific subject in mind, they boycotted the meeting. When I called the Opposition without giving a specific subject, they boycotted the meeting. Sir, let us... be very clear about it. It is a very... (*Interruptions*) ...

SHRI M. S. GURUPADASWAMY : Let us meet on electoral reforms. I assure you, we will met you in this case, discuss it with you right now...(*Interruptions*)...

SHRI RAJIV GANDHI : Let me finish answering. If the Opposition is really serious about electroal reforms, let each party give us a proper paper that we can work on. To the best of my knowledge...(*Interruptions*)...

SHRI PARVATHANENI UPENDRA : We have given it to the Election Commission. The Election Commission convened a meeting and all the views were given. (*Interruptions*)...

SHRI M. S. GURUPADASWAMY : Sir, may I submit, the political parties have submitted their suggestions... (*Interruptions*)

SHRI PARVATHANENI UPENDRA : They have convened a meeting. All these suggestions were given there. (*Interruptions*).

SHRI M. S. GURUPADASWAMY : Sir, let me assure the Prime Minister, on this issue, there is no difference. There cannot be any difference between you and us and we have submitted our proposals to the Election Commission. We are prepared to meet even today on this issue.

SHRI RAJIV GANDHI : I am not talking of a meeting. We can meet any time. But a metting results in a concrete ending only if substantive inputs are put in the meeting. But we have not received any concrete suggestions from any Opposition parties to the best of my knowledge. (*Interruptions*).

SHRI PARVATHANENI UPENDRA : No, Sir, it is a wrong statement. The Government never asked the Opposition parties to give suggestions. The Election Commission asked us and we gave suggestions to the Election Commission. They convened a conference. We gave our views. The Government never asked us. (*Interruptions*)...

श्री लाल कृष्ण आडवाणी : ठीक है, प्रधान मंत्री जी ने आश्वासन दिया है, यह बहुत खुशी की बात है । खाली, आन प्वाइंट आफ फैक्ट पर मैं कह दूं, मैंने पत्र लिखकर आइडेंटिफाई किया कि कौन से इश्यू है जिन पर प्राय: लोग सहमत हैं । सवा-डेढ़ साल हो गया है । मैंने प्रधान मंत्री जी को व्यक्तिगत पत्र लिखा है और मेरी व्यक्तिगत रूप से बातचीत भी हुई है, तो यह कहना उचित नहीं है कि हमारी ओर से कोई सुझाव नहीं आया है ।

SHRI RAJIV GANDHI : As I understand it, the hon. Members are saying that they will not give us suggestions unless we specifically ask for them. (*Interruption*). I hope that this rule will apply to everything, not just to electorral reforms. (*Interruptions*).

SHRI V. GOPALSAMY : Mr. Chairman, Sir, it is very clear in the Constitution, according to article 324, the Election Commission is the supreme authority and it has been reiterated by the Supreme Court in Taurus case. But, Sir, when a specific question was put to the hon. Prime Minister when he visited Madras last time about holding of elections for the State Assembly of Tamil Nadu, which should have been held before 29th July, he asked the Governor. But, Sir, the Governor of Tamil Nadu, asked the press people, "why don't you pin him down and get a reply ?" Repeatedly he said, it is the botheration of the Election Commission. They have to decide it. But the Election Commission said, we did not get a report from the Governor. Finally, the Governor sent a report for the convenience of the Congress Party, which is building castle in the air. For this purpose, the elections have been postponed.. (*Interruptions*)...

MR. CHAIRMAN : You put your question.

SHRI V. GOPALSAMY : Therefore, I would like to know from this Government whether the Election Commission will be allowed to act freely and independently and not as an agent of the ruling party. (*Interruptions*).

SHRI HANS RAJ BHARDWAJ: Sir, I do not think parliamentary language has been used by the hon. member. But I would like to correct him that the Election Commission is the only authority to monitor. This will be clear if he refers to Article 324. The State Government is always consulted because the machinery that has to be provided to the Election Commission belongs to the State Government. I think they have, I mean the DMK, some sort of mania in their mind. They want to create chaos in Tamil Nadu. But we want to serve the people there.

SHRI V. GOPALSAMY : We will create chaos for the Congress, not for Tamil Nadu.

श्री सत्यप्रकाश मालवीय : माननीय सभापति जी, राष्ट्रपति जी ने संसद् में सन् 1985 के अधिवेशन में इस बात का वायदा किया था कि सरकार बहुत शीघ्र चुनाव कानून संबंधी कार्यवाही करेगी और उसके बाद चुनाव आयोग ने जितने भी मान्यता प्राप्त राजनैतिक दल हैं, उससे सुझाव मांगे थे चुनाव कानून में सुधार के लिये। जनता पार्टी, भारतीय जनता पार्टी, लोक दल ने इस संबंध में अपने सुझाव दिये भी। तो मैं यह जानना चाहता हूं कि जिस पार्टी के प्रधान मंत्री जी हैं, उस पार्टी ने चुनाव आयोग की उस चिट्ठी पर चुनाव आयोग को कोई सुझाव आज तक दिये या नहीं दिये ?

श्री हंसराज भारद्वाज : श्रीमन्, जी हम रोज चुनाव आयोग से इस बात की चर्चा करते हैं, सुझाव की बात में। ...(**व्यवधान**)...

श्री सत्यप्रकाश मालवीय : मान्यवर मेरा प्रश्न स्पेसिफिक है, चुनाव आयोग ने यह जो चिट्ठी लिखी है, कांग्रेस पार्टी को, उसके उत्तर में कोई सुझाव दिया गया या नहीं दिया गया ?

श्री हंसराज भारद्वाज : मैंने अर्ज किया जनाब कि रोज हम चुनाव आयोग से चर्चा करते हैं...(**व्यवधान**)...

Appointment of Jaswant Singh Commission

†309. SHRI SHANKER SINH VAGHELA:

SHRI PRAMODMAHAJAN:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the date on which the Jaswant Singh Commission was appointed for setting up of High Court Benches and on which date its report was received by Government;

(b) what are the recommendations of the Commission; and

(c) whether Government's decisions have been stalled for more than two years because of Uttar Pradesh Government's evasion of communicating its views and its proposals on the Commission's recommendations since 1985; if so, what are the details thereof?

THE MINISTER OF STATE IN THE MINISTERY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): (a) to (c) The Jaswant Singh Commission was appointed on 4th September, 1981, and it submitted its report on 30th April, 1985. Its recommendations, amongst others, pertain to the establishment of benches of the Allahabad, Madhya Pradesh and Madras High Courts. The Government of Uttar Pradesh have not yet reported in accordance with the statutory requirements.

श्री शंकर सिंह वाघेला : सर, हिंदी में जो जवाब दिया गया है, इसमें जसवंत सिंह आयोग की नियुक्ति की तारीख 4 सितम्बर, 1988 बताई गई है और इसने जो रिपोर्ट दी वह अप्रैल अप्रैल, 1988 को दी। तो यह प्रिंटिंग मिस्टेक भी कम से कम जवाब में तो ख्याल करना चाहिए था।

†The question was actually asked on the floor of the House by Shri Shanker Sinh Vaghela.